

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 438
OFFERED BY MR. WILSON OF SOUTH CAROLINA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Teacher Recruitment
3 and Retention Act of 2003”.

4 SEC. 2. INCREASED QUALIFIED LOAN AMOUNTS.

5 (a) FFEL LOANS.—Section 428J(c) of the Higher
6 Education Act of 1965 (20 U.S.C. 1078–10(c)) is amend-
7 ed by adding at the end the following new paragraph:

8 “(3) INCREASED AMOUNTS FOR TEACHERS IN
9 MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—

10 “(A) SERVICE QUALIFYING FOR IN-
11 CREASED AMOUNTS.—Notwithstanding the
12 amount specified in paragraph (1), the aggre-
13 gate amount that the Secretary shall repay
14 under this section shall not be more than
15 \$17,500 in the case of—

16 “(i) a secondary school teacher—

17 “(I) who meets the requirements
18 of subsection (b), subject to subpara-
19 graph (D) of this paragraph; and



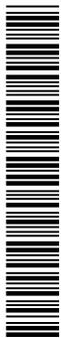
1 “(II) whose qualifying employ-
2 ment for purposes of such subsection
3 has been teaching mathematics or
4 science on a full-time basis; and

5 “(ii) an elementary or secondary
6 school teacher—

7 “(I) who meets the requirements
8 of subsection (b), subject to subpara-
9 graph (D) of this paragraph;

10 “(II) whose qualifying employ-
11 ment for purposes of such subsection
12 has been as a special education teach-
13 er whose primary responsibility is to
14 provide special education to children
15 with disabilities (as those terms are
16 defined in section 602 of the Individ-
17 uals with Disabilities Act); and

18 “(III) who, as certified by the
19 chief administrative officer of the pub-
20 lic or nonprofit private elementary or
21 secondary school in which the bor-
22 rower is employed, is teaching chil-
23 dren with disabilities that correspond
24 with the borrower’s special education
25 training and has demonstrated knowl-



1 edge and teaching skills in the content
2 areas of the elementary or secondary
3 school curriculum that the borrower is
4 teaching.

5 “(B) ACCELERATED PAYMENT.—Notwith-
6 standing the requirement of paragraph (1) that
7 5 consecutive complete years of service have
8 been completed, in the case of service described
9 in subparagraph (A) of this paragraph, the Sec-
10 retary shall repay a portion of a borrower’s out-
11 standing loan obligation at the commencement
12 of the qualifying service under this subsection,
13 not to exceed a total of \$17,500, in the fol-
14 lowing increments:

15 “(i) up to \$1,750, or 10 percent of
16 such outstanding loan obligation, which-
17 ever is less, at the completion of the second
18 year of such service;

19 “(ii) up to \$2,625, or 15 percent of
20 such outstanding loan obligation, which-
21 ever is less, at the completion of the third
22 year of such service;

23 “(iii) up to \$4,375, or 25 percent of
24 such outstanding loan obligation, which-



1 ever is less, at the completion of the fourth
2 year of such service; and

3 “(iv) up to \$8,750, or 50 percent of
4 such outstanding loan obligation, which-
5 ever is less, at the completion of the fifth
6 year of such service.

7 “(C) PROMISE TO COMPLETE SERVICE RE-
8 QUIRED FOR ACCELERATED PAYMENT.—Any
9 application for accelerated payment under this
10 paragraph shall contain an agreement by the
11 applicant that the applicant will continue in the
12 qualifying service for not less than 5 consecu-
13 tive complete school years, or will, upon a fail-
14 ure to complete such 5 years, repay the United
15 States, in accordance with regulations pre-
16 scribed by the Secretary, the amount of the
17 loans repaid by the Secretary under this para-
18 graph, together with interest thereon and, to
19 the extent required in such regulations, the rea-
20 sonable costs of collection. Such regulations
21 may provide for waiver by the Secretary of such
22 repayment obligations upon proof of economic
23 hardship as specified in such regulations.

24 “(D) HIGHER POVERTY ENROLLMENT RE-
25 QUIRED.—In order to qualify for an increased



1 repayment amount under this paragraph, sec-
2 tion 465(a)(2)(A) (as applicable under sub-
3 section (b)(1)(A) of this section) shall be ap-
4 plied by substituting ‘40 percent of the total en-
5 rollment’ for ‘30 percent of the total enroll-
6 ment’.”.

7 (b) DIRECT LOANS.—Section 460(c) of the Higher
8 Education Act of 1965 (20 U.S.C. 1087j(c)) is amended
9 by adding at the end the following new paragraph:

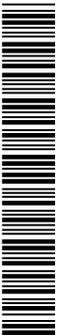
10 “(3) INCREASED AMOUNTS FOR TEACHERS IN
11 MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—

12 “(A) SERVICE QUALIFYING FOR IN-
13 CREASED AMOUNTS.—Notwithstanding the
14 amount specified in paragraph (1), the aggre-
15 gate amount that the Secretary shall repay
16 under this section shall not be more than
17 \$17,500 in the case of—

18 “(i) a secondary school teacher—

19 “(I) who meets the requirements
20 of subsection (b)(1), subject to sub-
21 paragraph (D) of this paragraph; and

22 “(II) whose qualifying employ-
23 ment for purposes of such subsection
24 has been teaching mathematics or
25 science on a full-time basis; and



1 “(ii) an elementary or secondary
2 school teacher—

3 “(I) who meets the requirements
4 of subsection (b)(1), subject to sub-
5 paragraph (D) of this paragraph; and

6 “(II) whose qualifying employ-
7 ment for purposes of such subsection
8 has been as a special education teach-
9 er whose primary responsibility is to
10 provide special education to children
11 with disabilities (as those terms are
12 defined in section 602 of the Individ-
13 uals with Disabilities Act); and

14 “(III) who, as certified by the
15 chief administrative officer of the pub-
16 lic or nonprofit private elementary or
17 secondary school in which the bor-
18 rower is employed, is teaching chil-
19 dren with disabilities that correspond
20 with the borrower’s special education
21 training and has demonstrated knowl-
22 edge and teaching skills in the content
23 areas of the elementary or secondary
24 school curriculum that the borrower is
25 teaching.



1 “(B) ACCELERATED PAYMENT.—Notwith-
2 standing the requirement of paragraph (1)(A)
3 that 5 consecutive complete years of service
4 have been completed, in the case of service de-
5 scribed in subparagraph (A) of this paragraph,
6 the Secretary shall repay a portion of a bor-
7 rower’s outstanding loan obligation at the com-
8 mencement of the qualifying service under this
9 subsection, not to exceed a total of \$17,500, in
10 the following increments:

11 “(i) up to \$1,750, or 10 percent of
12 such outstanding loan obligation, which-
13 ever is less, at the completion of the second
14 year of such service;

15 “(ii) up to \$2,625, or 15 percent of
16 such outstanding loan obligation, which-
17 ever is less, at the completion of the third
18 year of such service;

19 “(iii) up to \$4,375, or 25 percent of
20 such outstanding loan obligation, which-
21 ever is less, at the completion of the fourth
22 year of such service; and

23 “(iv) up to \$8,750, or 50 percent of
24 such outstanding loan obligation, which-



1 ever is less, at the completion of the fifth
2 year of such service.

3 “(C) PROMISE TO COMPLETE SERVICE RE-
4 QUIRED FOR ACCELERATED PAYMENT.—Any
5 application for accelerated payment under this
6 paragraph shall contain an agreement by the
7 applicant that the applicant will continue in the
8 qualifying service for not less than 5 consecu-
9 tive complete school years, or will, upon a fail-
10 ure to complete such 5 years, repay the United
11 States, in accordance with regulations pre-
12 scribed by the Secretary, the amount of the
13 loans repaid by the Secretary under this para-
14 graph, together with interest thereon and, to
15 the extent required in such regulations, the rea-
16 sonable costs of collection. Such regulations
17 may provide for waiver by the Secretary of such
18 repayment obligations upon proof of economic
19 hardship as specified in such regulations.

20 “(D) HIGHER POVERTY ENROLLMENT RE-
21 QUIRED.—In order to qualify for an increased
22 repayment amount under this paragraph, sec-
23 tion 465(a)(2)(A) (as applicable under sub-
24 section (b)(1)(A)(i) of this section) shall be ap-
25 plied by substituting ‘40 percent of the total en-



1 rollment’ for ‘30 percent of the total enroll-
2 ment’.”.

3 **SEC. 3. IMPLEMENTING HIGHLY QUALIFIED TEACHER RE-**
4 **QUIREMENTS.**

5 (a) AMENDMENTS.—

6 (1) FFEL LOANS.—Section 428J(b)(1) of the
7 Higher Education Act of 1965 (20 U.S.C. 1078–
8 10(b)(1)) is amended—

9 (A) by inserting “and” after the semicolon
10 at the end of subparagraph (A); and

11 (B) by striking subparagraphs (B) and (C)
12 and inserting the following:

13 “(B) if employed as an elementary or sec-
14 ondary school teacher, is highly qualified as de-
15 fined in section 9101(23) of the Elementary
16 Secondary Education Act of 1965; and”.

17 (2) DIRECT LOANS.—Section 460(b)(1)(A) of
18 such Act (20 U.S.C. 1087j(b)(1)(A)) is amended—

19 (A) by inserting “and” after the semicolon
20 at the end of clause (i); and

21 (B) by striking clauses (ii) and (iii) and in-
22 serting the following:

23 “(ii) if employed as an elementary or
24 secondary school teacher, is highly quali-
25 fied as defined in section 9101(23) of the



1 Elementary Secondary Education Act of
2 1965; and”.

3 (b) TRANSITION RULE.—

4 (1) RULE.—The amendments made by sub-
5 section (a) of this section to sections 428J(b)(1) and
6 460(b)(1)(A) of the Higher Education Act of 1965
7 shall not be applied to disqualify any individual who,
8 before the date of enactment of this Act, commenced
9 service that met and continues to meet the require-
10 ments of such sections as in effect before such date
11 of enactment.

12 (2) RULE NOT APPLICABLE TO INCREASED
13 QUALIFIED LOAN AMOUNTS.—Paragraph (1) of this
14 subsection not shall apply for purposes of obtaining
15 increased qualified loan amounts under sections
16 428J(b)(3) and 460(b)(3) as amended by section 2
17 of this Act.

